

Date: Sun, 29 Apr 2001 15:37:34 -0700
Subject: Re: revisionism or ambiguity?
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To: varmus@mskcc.org
From: pbrown@cmgm.stanford.edu

Hi Harold,

This is obviously a very complex set of issues. In retrospect, I wish the letter had pledged that signers would actively support journals that are committed to unrestricted public access, and always choose these journals when submitting their work for publication, allocating their time for reviewing and editing, or allocating their funds for subscriptions, whenever such a choice is available. This would have given the signers more wiggle room, and would have been less easy to condemn as an attack on existing journals. But it's too late to change the letter over 20,000 signatures.

I'm all for encouraging journals to take what steps they can, but I'd rather devote all my own energy to supporting journals that are trying to succeed with an unrestricted online access business model.

I've been thinking of a compromise of sorts to suggest to journals like NEJM that make a lot of money from their print journals, and from selling glossy reprints to drug companies - it might also satisfy some of the hardliners who feel that they are doing authors a favor by hanging on to the copyright. The idea would be that the journal would own the copyright, but would grant to the public domain an irrevocable, unrestricted license for distribution and legitimate use of the published work, in whole or in part, online, with the stipulation that any reproduction of any part of the work would require a citation to the authors and to the version of record, including the journal reference. In addition, the publisher could retain exclusive rights to the commercial print publication of the work in journal form for the first year after publication or in the form of paper reprints for a longer term. This would preserve the opportunity for creative exploration of ways to integrate and organize the online archive, and also preserve for the publishers the income they get from print journals and reprints, and their cherished control over the integrity of the work (i.e., they would have legal standing to sue anyone who tried to corrupt it).

I agree that the pledge does not take a specific position on copyright per se, and I personally have a pragmatic attitude about it.

What time tonight would you be free to talk?

Pat

I have been struggling with what the pledge precisely means, to me and to others, now that the day of reckoning is upon us and the revised PMC policy shows promise of achieving some very significant goals, if not all those we desire.

On the one hand, I am philosophically committed to the idea that journals should not own---and certainly not for more than a few months---the scientific literature. I think we will ultimately establish this principle even if it means having to develop new journals that subscribe to it. On the other hand, I am a realist and think that PLoS will have forced journals to take an enormous step forward if many provide their text for searching and archiving at PMC within six months and offer free access (distribution, but not redistribution) at their own websites. In my current political frame of mind, I would prefer to work with such journals, even while striving for a world that conforms to the stronger principle in the long run, because I think we have a lot to gain by bringing such journals along to create a searchable database and a centralized archive. What do you think the rank-and-file believe they are committed to through the pledge? I think one can read that commitment either way. Clearly the PLoS statement subscribes to the fundamental principle of scientist ownership of the literature, but I am not convinced that the pledge itself holds the

journals to going so far as to abandon copyright. "Unrestricted distribution" is the key phrase and I think it can be read either way---free access vs. unlimited use.

This was a significant issue in my discussion with the NEJM this morning and it has been gnawing at me for some time anyway. Can we discuss this by phone before we bring the matter to PLoS leadership? (I should be at my new home early Sunday evening (212-744-1155)). This is a very significant issue and we need to establish some clarity on the point now, even if there is to be a difference of interpretation (as someone---?David L--- said to me, this may be like the distinctions between Reform, Conservative, and Orthodox Judaism). It might also be useful to discuss Vitek's plans, and Nick's, when we talk.

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